

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

|                          |   |                   |
|--------------------------|---|-------------------|
| BETTY ANN BURKS, et al., | ) |                   |
|                          | ) |                   |
| Plaintiffs,              | ) |                   |
|                          | ) |                   |
| V.                       | ) | CIVIL ACTION NO.  |
|                          | ) | 2:06-CV-01081-MEF |
| EQUITY GROUP EUFAULA     | ) |                   |
| DIVISION, L.L.C.         | ) |                   |
|                          | ) |                   |
| Defendant.               | ) |                   |

PLAINTIFF'S UNOPPOSED MOTION TO EXTEND TIME FOR  
RESPONDING TO DEFENDANT'S MOTION TO DECERTIFY CLASS AND  
SEVER CLAIMS

The Plaintiffs, by and through their undersigned counsel, and respectfully move this Honorable Court for an extension of seven (7) days for filing of Plaintiffs' response to Defendant's Motion to Decertify Class and Sever Claims. As grounds for this motion, the Plaintiffs shows unto the Court the following:

1. This matter is currently set for Pretrial Conference on August 28, 2008, and for the trial term commencing on September 29, 2008.
2. On the afternoon of Friday, August 1, 2008, the Defendant filed its Motion to Decertify Class and Sever Claims, with 54 exhibits to support the same.
3. On August 4, 2008, this Court entered an Order requiring Plaintiffs to

respond to said motion on or before August 8, 2008, and further requiring defendant to file a reply on or before August 13, 2008.

4. Defendant's motion, brief and evidentiary submission involve lengthy factual contentions and legal arguments that cannot be effectively addressed in the little more than four business days allowed by the Court's August 4<sup>th</sup> Order. Plaintiffs' counsel is in the process of gathering counter-affidavits and digesting the numerous depositions and factual contentions submitted as part of defendant's decertification brief and evidence, but cannot realistically respond within the limited time currently allowed.

5. Plaintiffs' counsel have conferred with Defendant's counsel and they do not oppose this motion, if Defendant's date for filing its reply is also moved by the commensurate period of time, so long as defendant still has five (5) calendar days in which to reply.

6. Due to previously scheduled depositions and other obligations, Plaintiffs' counsel have been limited in their ability to respond to the Motion to Decertify Class and Sever Claims since the Court entered its Order requiring that they respond to said Motion within four (4) days. Plaintiffs' counsel are in the process of preparing their response to said Motion, but they will need additional time to fully respond. There are more facts and issues in said Motion than can be addressed in the four (4) days

period.

7. Plaintiffs are requesting that this Court enter an Order extending the deadlines in its Order for responding to Defendant's Motion to Decertify Class and Sever Claims by seven (7) days and for replying by Defendant by seven (7) days.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request that this Court grant this Motion and extend the deadline for Plaintiffs' response to Defendant's Motion to Decertify and Sever Claims to on or before August 15, 2008, and extend the deadline for Defendant to file a reply to on or before August 20, 2008.

Respectfully submitted,

/s/Candis A. McGowan

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to counsel for all parties by operation of the court's electronic filing system.

This 6<sup>th</sup> day of August, 2008.

/s/ Candis A. McGowan  
Candis A. McGowan